

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7485 of 1996

WITH

CIVIL APPLICATION NO.10005 OF 1999

with

SPECIAL CIVIL APPLICATION No 9307 of 1995

For Approval and Signature:

Hon'ble ACTG.CHIEF JUSTICE MR. C.K.THAKKAR and
MR.JUSTICE K.M.MEHTA

=====

1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

NAREND SINH ARJUN SINH GADHAVI

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 7485 of 1996
MR PN BAVISHI for Petitioner
GOVERNMENT PLEADER for Respondent No. 1
RULE SERVED for Respondent No. 2
MR HARIN P RAVAL for Respondent No. 3
MRS KETTY A MEHTA for Respondent No. 4
2. Special Civil Application No 9307 of 1995
MR PN BAVISHI for Petitioner
GOVERNMENT PLEADER for Respondent No. 1
RULE SERVED for Respondent No. 2

MR HARIN P RAVAL for Respondent No. 3
MRS KETTY A MEHTA for Respondent No. 4

CORAM : ACTG.CHIEF JUSTICE MR. C.K.THAKKAR and
MR.JUSTICE K.M.MEHTA
Date of decision: 08/10/1999

ORAL JUDGEMENT

1. In these petitions constitutional validity and vires of Section 56 of the Gujarat Panchayats Act, 1993 is under challenge. Initially when the matters were placed before the Division Bench rule was issued and notices were issued to the Advocate General. Interim relief however was refused.

2. Recently, similar question arose in Special Civil Application No.3820/99. Following the decision of the Honourable Supreme Court in Mohanlal Tripathi vs District Magistrate reported in 1993 SC 2042 reiterated in Ram Beti vs District Panchayat Rajadhikari and others reported in AIR 1998 SC 1222 we had held that the provisions of Section 56 of the Gujarat Panchayats Act can not be said to be ultravires or unconstitutional. Almost in similar circumstances the action was upheld by the Honourable Supreme Court.

3. In our opinion, in view of the order passed by us in Special Civil Application No.3820/99 these petitions deserve to be dismissed and are dismissed accordingly. Rule is discharged. No order as to costs.

4. In view of dismissal of Special Civil Application no order on Civil Application No.10005/99. No order as to costs.

8.10.99 (C.K.THAKKAR,ACTG.C.J)(K.M.MEHTA,J)